Remarks

Reconsideration of the application, and allowance of all claims are respectfully requested in view of the amendments and remarks below. Claims 1-4, 6-14, 16-25 & 27-40 remain pending.

By this amendment, independent claims 1, 11, 21 & 22 are amended to recite the canceled subject matter of dependent claims 5, 15 & 26. In particular, applicants now recite in the independent claims that the "selecting" is based upon the determined savearea layout. This amendment is made in order to address the 35 U.S.C. §112 rejection stated in the outstanding Office Action, and based upon this amendment, withdrawal of the rejection is respectfully requested.

Substantively, prior claims 1, 6-8, 10, 15-18, 20, 21, 27-29, 31 and 32-40 were rejected under 35 U.S.C. §102(b) as being anticipated by the System/390 mainframe product from IBM (announced September 5, 1990) illustrated by the "System/390 Announcement" (referred to herein as "System") and the "Principles of Operation: Enterprise Systems Architecture/390" material (referred to herein as ESA). This rejection is believed to be moot in view of the amendments made to the independent claims to address the 35 U.S.C. §112 rejection, wherein the subject matter of canceled claims 5, 15 & 26 has been added to the respective independent claims (including independent claim 21).

In addition, the subject matter of prior claims 1, 5-8, 10, 15-18, 20, 21, 26-29, 31 and 32-40 was rejected under 35 U.S.C. §103(a) as being unpatentable over the System product and the ESA material in view of Coutant (U.S. Patent No. 6,293,712); and claims 1-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over System and ESA, and further in view of Benson (U.S. Patent No. 5,598,560). Each of these rejections is respectfully, but most strenuously, traversed and reconsideration thereof is requested.

An "obviousness" determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claimed subject matter as a whole, the Federal Circuit has expressly mandated that functional claim language be considered in evaluating a claim relative to the prior art. Applicants respectfully submit that the application of these standards to the independent claims presented herewith leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based upon the System product, the ESA material and the Coutant or Benson patents.

As recited in claim 1, for example, applicants' invention comprises a method for communicating between programs having different machine context organizations. This method includes the process steps of determining, at compile time, which savearea layout of a plurality of savearea layouts is to be used to save information relating to a calling program; and selecting, again at compile time, a linkage service from a plurality of linkage services to be used in communicating between the calling program and a callee program. The selecting is based upon the determined savearea layout, and the calling program and the callee program coexist within a single executable module but have different machine context organizations.

The System product and the ESA material both refer to the same IBM computer system, now referred to as the Enterprise Systems Architecture/390 system. Applicants respectfully submit that a careful reading of this material and an understanding of the ESA/390 System fails to uncover any teaching, suggestion or implication of various aspects of their recited technique for communicating between programs having different machine context organizations.

For example, the Office Action references the second element of applicants' claim 1 and alleges that ESA at page 5-14, left column, third paragraph, teaches this functionality. This is believed to comprise a mischaracterization of the ESA material. Applicants' independent claims recite particular functionality, which includes selecting, at compile time, a linkage service from a plurality of linkage services to be used in communicating between

the calling program and a callee program. Further, this selecting is characterized in that the selecting occurs based upon the determined savearea layout, and occurs in an environment where the calling program and the callee program coexist within a single executable module and have different machine context organizations. The ESA material at page 5-14 relates to instructions within the machine that enable a transition between a subprogram that operates in 24-bit addressing mode and a subprogram that operates in 31-bit addressing mode. This material is a definition of the machine architecture and the instruction set. The recited language is not relevant to applicants' recited process, which again, occurs at compile time. The ESA material does not relate to the functionality of selecting at compile time a linkage service. The ESA material describes a machine instruction set architecture, which cannot select at compile time. There is simply no concept of compile time in the System product material or the ESA material.

Further, the System product and the ESA material describe a system with a single machine context organization. Both the System and the ESA material operate within a 32-bit register size. There is a single set of 32-bit registers in this machine, and thus, there are not different machine context organizations as the phrase is defined and used in the present application. (See page 5, lines 19-26 of the specification.)

This difference is further characterized in several dependent claims at issue wherein applicants recite that the different machine context organizations comprise different register sizes, which is clearly a characterization different from the single size registers presented as the single machine context organization in the System product and the ESA material. The ESA material at page 5-14 describes modes wherein the machine employs only 24 bits or 31 bits in connection with address generation. However, the size of the registers does not change, and is uniform at 32 bits. Therefore, only a single machine context organization is presented.

To summarize, the System product and ESA material both fail to teach, suggest or imply certain functionality recited by applicants in the independent claims presented. Specifically, the System product and ESA material do not suggest or imply applicants'

process of selecting <u>at compile time</u> a <u>linkage service</u> from a plurality of linkage services to be used in communicating between the calling program and a callee program, let alone such selecting wherein the calling program and the callee program coexist within a single executable module and have different machine context organizations, nor such selecting wherein the selecting is based upon the determined savearea layout, as recited in the independent claims. For these reasons, applicants respectfully request reconsideration and withdrawal of the obviousness rejections to the independent claims presented.

Both the Coutant patent and the Benson patent are cited in the Office Action for allegedly teaching applicants' process of determining, at compile time, which savearea layout of a plurality of savearea layouts is to be used to save information relating to a calling program. Without acquiescing to the characterization of the teachings of either of these patents, applicants respectfully submit that neither patent teaches, suggests or implies the above-noted deficiencies of the System product and ESA material when applied against the independent claims presented. Neither patent is believed to teach, suggest or imply selecting, <u>at compile time, a linkage service to be used in communicating</u> between a calling program and a callee program, let alone selecting, at compile time, a linkage service from a plurality of linkage services which can be used, or the selecting within an environment wherein the calling program and the callee program coexist within a single executable module and have different machine context organizations, and wherein the selecting of the linkage service is based upon the savearea layout determined at compile time.

For the above reasons, applicants respectfully request reconsideration and withdrawal of the obviousness rejections stated in the Office Action, i.e., to any extent deemed applicable to the claims presented. The dependent claims are believed allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their own additional characterizations.

All pending claims are believed to be in condition for allowance and such action is respectfully requested.

Should the Examiner wish to discuss this case with applicants' attorney, the Examiner is invited to contact applicants' representative at the below-listed number.

Respectfully submitted,

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